IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

Bail Appl..No. 1621 of 2007()

CRIME NO.442/06 OF ALUVA POLICE STATION

: PETITIONER/3RD ACCUSED

SREEKUTTAN, S/O. KUMARAN, AGED 19 YEARS,
CHERUVAPARAMBIL HOUSE, KUNNATHERY, ALUVA.

BY ADV. SRI.RAJIT

RESPONDENTS: STATE

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1621 OF 2007

Dated this the 19th day of March, 2007

O R D E R

Petitioner, who is the 3rd accused in Crime No.442/06 of Aluva Police Station for offences punishable under sections 324 and 308 read with section 34 IPC, seeks anticipatory bail.

2. The petitioner was granted anticipatory bail by the Sessions Court, Ernakulam for a period of two months. He did not avail of the said order by surrendering before the Investigating Officer or by opting arrest. After the lapse of the said period of two months, he moved the Sessions Court for anticipatory bail, which was refused to be entertained. Thereafter, the petitioner has filed this application for anticipatory bail.

3. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not surrender before the Investigating Officer for interrogation and then to have his application for regular bail considered by the Magistrate concerned particularly when the weapon of offence has not been recovered. Accordingly, the petitioner is directed to surrender before the Investigating Officer on any day between 26.3.2007 and 28.3.2007 for the purpose of interrogation and recovery of incriminating materials, if any. The petitioner shall,

thereafter, be produced on the same day before the concerned Magistrate, who shall consider and dispose of the application, if any, filed by the petitioner for regular bail, preferably on the same date on which it is filed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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